

Joint Memorial - Petitioning the President to reaffirm our nation's commitments to the Constitution.

Senate bill no. SJM 8021

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House bill no. HJM 4022

WE YOUR MEMORIALISTS, the Senate and House of Representatives of the State of Washington in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, the State of Washington does unequivocally and most solemnly declare a warm attachment to the United States; and that for this end it is our duty, on behalf of our people, to watch over and oppose every infraction of those principles embodied in the Constitution that forms the only basis of that Union, because the faithful observance of this duty can alone secure its existence and the public happiness; and

WHEREAS, each state retains its sovereign rights as a party to the Constitution that established the general, or federal, government of the United States, and is its duty to its people to oppose all acts of said government that are without or in excess of the powers delegated to it by the Constitution that created it; and

WHEREAS, Congress is without the power to reconstitute government or to give, grant, release or otherwise surrender its delegated powers to another branch of government, yet in October of 2002 it passed legislation purporting to give war-making powers to the President without a declaration of war; and

WHEREAS, Article I Section 8 of the Constitution delegates the power to declare war to Congress; Article II Section 2 delegates to the Presidency powers that do not include the power to declare war, or to make war without a declaration of war, yet the President is currently claiming just such powers; and

WHEREAS, Article VI of the Constitution of the United States holds that "*... all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land*", and on June 26th, 1945, the representatives of the United States did join in the establishing of the United Nations and agreed to its Charter that holds, at Article II.4, that "*All members shall refrain... from the threat of the use of force against the territorial integrity or political independence of any state...*", yet the use of force is currently being threatened by the federal government of the United States against a sovereign state and original member of the United Nations; and

WHEREAS, this forthright affirmative declaration of the rights of this and other states to restrain unconstitutional actions by the federal government of the United States will reaffirm the 1798 legislative precedents most beneficial to our republic;

NOW, THEREFORE, your Memorialists do respectfully petition the President to reaffirm our nation's commitments to the Constitution, to the rule of law both domestic and international, and to the supreme law embodied in our international obligations: to these ends your Memorialists do herewith resolve and declare upon our oath to uphold the Constitution that war may not be made by the government of the United States in the name of the People of the State of Washington, or of the United States, in violation of the Constitution, or of said laws and obligations, all other acts or agreements notwithstanding;

BE IT FURTHER RESOLVED, that copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.